(b) if so, whether Government have brought these facts to the notice of the Commission; and

(c) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) As per provisions contained in clause (1) of article 324 of the Constitution, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the Constitution shall be vested in the Election Commission. It is well settled by judicial pronouncements that except in matters in respect of which the competent Legislature has made law and express Rules thereunder, the Election Commission has full executive powers to give effect to the provisions of clause (1) of article 324 of the Constitution of the Constitution in conformity with the Acts and Rules made thereunder by issuing orders, instructions and guidelines.

(b) No, Sir.

(c) Does not arise.

Increase in retirement age of Judges in High Courts

3861. SHRI SANJAY RAUT:
SHRI ABU ASIM AZMI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether any representation has been received from organization for increasing retirement age of Chief Judges of High Courts to 65 to 62 years as in the case of Judges of Supreme Court;

(b) if so, whether any action has been taken thereon;

(c) if so, the details thereof; and

(d) whether Government are proposing any legislation in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) to (d) The National Commission to Review the Working of the Constitution (NCRWC) recommended that the retirement age of the Judges of the High Court should be increased to 65 years and that of the Judges of the Supreme Court should be increased to 68 years.

In the Chief Justces' Conference held from 13th to 15th September, 2002 in New Delhi, a resolution was passed on raising the age of retirement of High Court Judges. The resolution reads as follows:

Resolved that the age of retirement of the High Court Judges be increased. Resolved further, that the age of retirement of the High Court and the Supreme Court Judges be the same. A common cadre of the Chief Justices of the High Courts and the Judges of the Supreme Court be formed leaving allocation to the Hon'ble Chief Justice of India.

This resolution has been examined by the Government. The increase in the age of retirement of Judges would be effected by amending Article 217 of the Constitution of India in accordance with the procedure laid down in its Article 368(2). Since this Article is covered under Chapter- V of Part-VI of the Constitution, amendment in the aforesaid Article will require ratification by the Legislatures of at-least one-half of the States, as per the provision of Article 368(2).

So far, no decision has been taken by the Government in this regard.

Appointment of women judges

3862. SHRI RAVULA CHANDRA SEKAR REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are advocating the need to appoint more women judges to High Courts, also as Chief Justices, to ensure speedy delivery of justice to women;

(b) if so, the details thereof;

(c) the present strength of women judges in each High Court;

(d) whether Government are also making efforts to render a women victim quick, speedy, cheaper and effective justice; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (b) Appointments of Judges of the Supreme Court of India and High Courts are made under article 124 and 217 of the Constitution of India, respectively, which do not provide for reservation for any caste or class of persons.